

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CG-00 DOTE-00 SS-15 PM-05 EB-08
COME-00 L-03 CIAE-00 INR-10 NSAE-00 SCS-06 /062 W
-----064061 211700Z /43
R 201501Z MAY 78
FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC 6489
INFO AMEMBASSY BUENOS AIRES

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E.O. 11652: NA
TAGS: CGEN, UY (LADY OLIVE)
SUBJ: SEIZURE OF "LADY OLIVE"

REF: A) STATE 122160(NOTAL-SUMMARIZED FIRST PARA), B) MVD 1546

1. LAWYER SAUL MEZZERA WAS INFORMED MAY 17, PER REF (A), THAT LADY OLIVE, O.N. 534079, WAS FORMERLY REGISTERED AS U.S. FLAG VESSEL. VESSEL REMOVED FROM REGISTRATION APRIL 3, 1978 AT NEW YORK BECAUSE OF SALE TO ARGENTINE CITIZEN. FLORIDA REGISTRATION REFERRED TO APPARENTLY IS A STATE REGISTRATION. U.S. DOCUMENTATION IS NOT AVAILABLE TO A NON-U.S. CITIZEN.

2. MEZZERA PRESENTED SEVERAL DOCUMENTS THAT HE BELIEVES ESTABLISHED U.S. REGISTRATION UNTIL SUCH TIME AS ARGENTINE REGISTRATION WAS OBTAINED. DOCUMENTS INCLUDED BILL OF SALE SIGNED MARCH 23, 1978, AND U.S. COAST GUARD CERTIFICATE OF ENROLLMENT AND YACHT LICENSE; INSURANCE PAPERS SHOWING TRAVEL ROUTE WAS MIAMI-MONTEVIDEO-BUENOS AIRES; AND U.S. DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION ORDER NO. MA-15432 DATED MARCH 15, 1978, APPROVING THE SALE TO ALIEN AND TRANSFER TO ARGENTINE REGISTRY AND FLAG OF THE LADY OLIVE. TRANSFER ORDER (SIGNED BY
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VIRGINIA J. O'BRIEN, ASSISTANT SECRETARY, MARITIME ADMINISTRATION) STATES QUOTE APPROVAL SHALL BE NULL AND VOID UNLESS THE SALE (TO) ALIEN AND TRANSFER TO FOREIGN REGISTRY AND FLAG, HEREBY APPROVED IS EFFECTED WITHIN ONE YEAR OF THE DATE OF SUCH APPROVAL. UNQUOTE.

3. MEZZERA SAID HE BELIEVED THAT, SINCE TRANSFER OF

FLAG HAD NOT BEEN ACCOMPLISHED AND SINCE ONE YEAR APPROVAL FOR PROCESS HAD BEEN GRANTED, VESSEL RATAINED U.S. FLAG AND REGISTRY UNTIL PROCEDURE COMPLETED OR ONE YEAR PASSED, WHICHEVER WAS SOONER.

4. FACED WITH INFORMATION PROVIDED REF(A), MEZZERA REQUESTED THAT EMBASSY FORWARD OWNER'S DOCUMENTS TO DEPARTMENT FOR DETERMINATION WHETHER DEPARTMENT OF COMMERCE ORDER ESTABLISHED THAT LADY OLIVE POSSESSED U.S. FLAG UNTIL SUCH TIME AS FLAG AND REGISTRY COULD BE TRANSFERRED. THE POINT IS CRITICAL FOR HIS CLIENT--THE VESSEL WAS SEIZED FOR HAVING NO FLAG. HE SAID HE PLANNED ALSO TO SEND DOCUMENTS TO JAY LEVINE, WALSH & LEVINE, 60 WALL TOWER, 70 PINE STREET, NEW YORK, N.Y. 10005 TO PURSUE THIS ISSUE. THAT FIRM MAY CONTACT DEPARTMENT OF STATE AND/OR DEPARTMENT OF COMMERCE.

5. EMBASSY SUGGESTED THAT MEZZERA OR ARGENTINE OWNER CONTINO CONTACT ARGENTINE EMBASSY OR NAVAL ATTACHE TO SEE IF ARGENTINE AUTHORITIES COULD ESTABLISH TO SATISFACTION OF URUGUAYAN PREFECTURA DEL PUERTO THAT VESSEL WAS NOT QUOTE PIRATE UNQUOTE VESSEL AND WAS FULLY INTENDED TO BE REGISTERED AS ARGENTINE SHIP. MEZZERA SAID HE PLANNED TO SEEK APPOINTMENT IMMEDIATELY.

6. CONTINO ALSO SPOKE WITH URUGUAYAN MARITIME LAWYER, RICARDO VIDAL ARADAS, A CONTACT WELL KNOWN TO EMBASSY'S LIMITED OFFICIAL USE

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POLITICAL SECTION, WHO PROVIDED ADDITIONAL DETAILS TO EMBASSY OFFICERS MAY 15. VIDAL, A FORMER BLANCO PARTY LEADER, FELT THAT NEITHER HE NOR OTHER KNOWN MARITIME LAWYERS IN URUGUAY COULD HANDLE CASE BECAUSE OF FEAR (WHICH EMBASSY CONSIDERS LEGITIMATE) OF GIVING NAVAL AUTHORITIES PRETEXT FOR IMPRISONING THEM.

7. MEANWHILE, ON MAY 11 URUGUAYAN NAVAL CAPITAN DE FRAGATA RICARDO BARGE ROLLERI APPROACHED EMBASSY NAVAL ATTACHE TO ASK UNOFFICIALLY IF EMBASSY COULD CONFIRM FLAG OF REGISTRATION OF LADY OLIVE. EMBASSY INDICATED THAT IF VESSEL HAD CLAIM TO U.S. REGISTRY, WHICH THEN WAS THOUGHT POSSIBLE BASED ON COMMERCE LETTER AND SEIZED REGISTRATION PAPERS, WE WOULD BE INTERESTED IN SEEING IT RELEASED. BARGE SAID HE WOULD ADVISE US LATER IF GOU PLANNED TO REQUEST OFFICIALLY IF LADY OLIVE WAS U.S.-REGISTERED VESSEL AND ON MAY 15 INFORMED US GOU WOULD MAKE OFFICIAL REQUEST.

8. MEZZERA WAS ALSO INFORMED MAY 17 OF IMMINENT REQUEST PLANNED BY GOU AND THAT WE WOULD HAVE TO PROVIDE GOU SUBSTANCE OF REF(A). HE AGAIN PLEADED THAT DEPARTMENT LOOK AT PAPERS HE WAS NOW SUBMITTING TO SEE IF THEY STILL

PROVIDED VESSEL U.S. FLAG OR IF FORMER OWNER OF VESSEL
HAD IMPROPERLY SOLD CONTINO THE VESSEL THUS INVALIDATING
THE SALE AND SUBJECTING FORMER OWNER TO FINES PER USC
TITLE 46 PARAGRAPHS 808 (ESP NOTE 12) AND 839.

9. ACTION REQUESTED: UPON RECEIPT OF DOCUMENTS WHICH
EMBASSY IS FORWARDING, PLEASE COMMENT ON WHETHER MEZZERA
HAS ANY CLAIM THAT LADY OLIVE RETAINS U.S. FLAG UNTIL IT
IS REGISTERED AS ARGENTINE VESSEL OR IF HE CAN MAKE CLAIM
THAT VESSEL WAS IMPROPERLY SOLD TO CONTINO BY HOWARD
BLUESTEIN, PRESIDENT, COAST MARINE CORPORATION (A DELAWARE
CORPORATION), 2280 GRAND AVENUE, BALDWIN, NEW YORK 11510.
CONTINO CLAIMS HE WAS TOLD HE HAD UNTIL DECEMBER 31, 1978,
TO REGISTER LADY OLIVE AS ARGENTINE VESSEL.
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10. COMMENT: WE BELIEVE NAVAL AUTHORITIES FULLY INTEND
TO CONFISCATE YACHT IF AT ALL POSSIBLE. EMBASSY'S SUGGESTED
APPROACH BY MEZZERA AND CONTINO TO ARGENTINE NAVAL ATTACHE,
WHO IS BELIEVED TO HAVE GOOD RELATIONS WITH URUGUAYAN NAVAL
AUTHORITIES, IS THOUGHT TO BE CONTINO'S BEST BET. SINCE
MEZZERA BELIEVES THERE IS LINGERING CLAIM TO U.S. FLAG,
EMBASSY WOULD LIKE TO PROVIDE HIM DEFINITIVE DETERMINATION.
PEZZULLO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LADY OLIVE
Control Number: n/a
Copy: SINGLE
Draft Date: 20 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MONTEV01665
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780214-0446
Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780538/aaaabfqb.tel
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Litigation Codes:
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Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2629320
Secure: OPEN
Status: NATIVE
Subject: SEIZURE OF "LADY OLIVE"
TAGS: CGEN, UY
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/ab6e179a-c288-dd11-92da-001cc4696bcc
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